

# C A M P A I G N F O R ACCOUNTABILITY

March 14, 2018

By email: [OpenRecordsRequest@hhsc.state.tx.us](mailto:OpenRecordsRequest@hhsc.state.tx.us)

Open Records Coordinator  
Texas Health and Human Services Commission  
MC-1070  
4900 N. Lamar Boulevard  
Austin, Texas 78751-2316

## **Re: Public Information Act Request**

To Whom It May Concern:

Campaign for Accountability (“CfA”) makes this request for public records, regardless of format, medium, or physical characteristics, and including electronic records and information, audiotapes, videotapes, and photographs, pursuant to Tex. Gov. Code § 552.01 *et seq.*

Specifically, CfA seeks copies of all solicitations, grant proposals, grant agreements, reimbursement requests, and/or purchase orders pertaining to the Alternatives to Abortion program. This request is for records from September 1, 2015 to the date of the completion of the most recently completed procurement process for the program.

By way of background, the Texas legislature created an Alternatives to Abortion program by appropriation in 2005.<sup>1</sup> The program utilizes federal Temporary Assistance for Needy Families block grant funds to “implement a statewide program for women seeking alternatives to abortion focused on pregnancy support services that promote childbirth.”<sup>2</sup> The legislature appropriated \$9.15 million annually to the program for fiscal years 2016 and 2017.<sup>3</sup> For fiscal years 2018 and 2019, the program was appropriated \$9.15 million annually,<sup>4</sup> and the Health and Human Services Commission was given authority to expend an additional \$20 million if it “determines that there is a demand based on program utilization.”<sup>5</sup> In November of last year, the Commission made such a determination.<sup>6</sup> The Texas Pregnancy Care Network serves as the “prime contractor” for the Alternatives to Abortion Program in Texas.<sup>7</sup>

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<sup>1</sup> S.B. 1 at II-111, 79<sup>th</sup> Leg., Reg. Sess. (Tex. 2005).

<sup>2</sup> *Id.*

<sup>3</sup> H.B. 1 at II-79, 84<sup>th</sup> Leg., Reg. Sess. (Tex. 2015).

<sup>4</sup> S.B. 1 at II-37, 85<sup>th</sup> Leg., Reg. Sess. (Tex. 2017).

<sup>5</sup> S.B. 1 at II-75, 85<sup>th</sup> Leg., Reg. Sess. (Tex. 2017).

<sup>6</sup> Matthew Choi, *State gives Alternatives to Abortion program \$20 million more in funding*, *Texas Tribune*, Nov. 16, 2017, available at <https://www.texastribune.org/2017/11/16/alternatives-abortion-funding-increases-more-100-percent/>.

<sup>7</sup> <http://texaspregnancy.org/about>.

If it is your position that any portion of the requested records is exempt from disclosure pursuant to Tex. Gov. Code Ch. 552, Subch. C, please state the basis of the exemption. Please explain in writing and with particularity the reasons for any determination that a record is exempt from disclosure. In the event that a portion of a requested record is properly exempt from disclosure, please redact that portion and produce the remainder of the requested record. If you deny this request in whole or in part, please specify each exemption on which you are relying to withhold information.

CfA is a non-profit organization and seeks the requested information to inform and educate the public about the state's oversight responsibilities regarding public funding for private organizations. Accordingly, because CfA seeks the information to benefit the general public, we request that the information be provided without charge. Tex. Gov. Code § 552.267. If a fee waiver is not available, please inform me if the cost will exceed \$200. Tex. Gov. Code § 552.2615.

Please promptly produce the requested information. If, however, production cannot occur within ten business days, please certify that fact to us and provide a time when the information will be available. Tex. Gov. Code § 552.221(d). If you are unable to meet this statutorily required time period or foresee any problems in releasing the requested records in whole or in part, please contact me at 202-780-5750.

Finally, I welcome the opportunity to discuss with you whether and to what extent this request can be narrowed or modified to better enable the Health and Human Services Commission to process it.

If possible, please email the records to me at [dstevens@campaignforaccountability.org](mailto:dstevens@campaignforaccountability.org). If the records are mailed, please send them to: Campaign for Accountability, 611 Pennsylvania Avenue SE, #337, Washington, DC 20003.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan E. Stevens", with a long horizontal flourish extending to the right.

Daniel E. Stevens  
Executive Director